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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,619	09/28/2001	Ingmar Manfred Birgden	BRI-00051	5258

7590 11/19/2003

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EXAMINER

WOOD, KIMBERLY T

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary

Application No.	Applicant(s)	
09/890,619	BIRGDEN ET AL.	
Examiner	Art Unit	
Kimberly T. Wood	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 68-72 and 78-83 is/are allowed.
- 6) ☒ Claim(s) 36-49, 52-57, 64 and 73-77 is/are rejected.
- 7) ☒ Claim(s) 50, 51, 58-63, 65-67 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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This is the second office action for serial number 09/890,619, entitled Vehicle External Mirror Assembly And Method Of Manufacture, in response to Amendment A filed on July 30, 2003.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 36-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang et al. (Lang) 6,390,634 in view of Herr et al. (Herr) 3,448,553. Lang discloses a vehicle external mirror assembly comprising a head (15), a mirror (16), a mount (1 and 2), a foam core (20, column 4, lines 2ff), a load diffuser (6, 7, 8, 5, and 14), a front and rear shell (18 and 19), a second foam core (30), the stiffness of the diffuser reduces from adjacent said mount (the diffuser changes from two rods (6, 7, and 8) to one rod (14). Lang discloses all of the limitations of the claimed invention except for the molded thin external plastic body shells. Herr teaches that it is known a

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external plastic shell (12) around a foam core (19). It would have been obvious to one having ordinary skill in the art to have modified Lang to have made the mount and the head of a molded thin external plastic shell as taught by Herr for the purpose of providing a more rigid and durable protective frame.

Claims 46-49, 52-57, 64, and 73-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang 6,390,634 in view of Herr 3,448,553 in further view of Mittelhauser DT 2740189. Lang in view of Herr discloses all of the limitations of the claimed invention except for the rear and front shell meeting at an overlapping joint. Mittelhauser teaches that it is known to have a front and rear plastic shell having an overlapping butt joint (near 7,8,9,12, and 21). It would have been obvious to one having ordinary skill in the art to have modified Lang in view of Herr to have included the front and rear plastic shells having the joint as taught by Mittelhauser for the purpose of providing a better means of attachment for the front and rear shells. Lang in view of Herr in further view of Mittelhauser inherently teaches the method of molding, positioning and retaining, and substantially filling with foam.

Allowable Subject Matter

Claims 50, 51, 58-63, and 65-67 objected to as being dependent upon a rejected base claim, but would be allowable if

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rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 68-72 and 78-83 allowed.

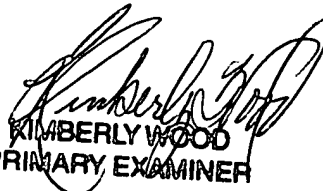
Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Wood whose telephone number is (703) 308-0539. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168. The fax number for an Official Amendment or Response is (703) 872-9306. The fax number for an Unofficial Amendment or Response is (703) 308-3519.

Kimberly Wood
Primary Examiner
November 17, 2003


KIMBERLY WOOD
PRIMARY EXAMINER